

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: ETHICON, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

(SEE ATTACHED SCHEDULE)

CONDITIONAL REMAND ORDER

The transferee court in this litigation has advised the Panel that coordinated or consolidated pretrial proceedings in the action(s) on this conditional remand order have been completed and that remand to the transferor court(s), as provided in 28 U.S.C. § 1407(a), is appropriate.

IT IS THEREFORE ORDERED that the action(s) on this conditional remand order be remanded to its/their respective transferor court(s).

IT IS ALSO ORDERED that, pursuant to Rule 10.2 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the transmittal of this order to the transferee clerk for filing shall be stayed 7 days from the date of this order. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel. This order does not become effective until it is filed in the office of the Clerk for the United States District Court for the Southern District of West Virginia.

IT IS FURTHER ORDERED that, pursuant to Rule 10.4(a), the parties shall furnish the Clerk for the Southern District of West Virginia with a stipulation or designation of the contents of the record to be remanded.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

Jun 21, 2019

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:


John W. Nichols
Clerk of the Panel

A TRUE COPY CERTIFIED ON
6/21/2019
[Date]

RORY L. PERRY II, CLERK
U.S. District Court
Southern District of West Virginia
By **s/Kerri Weese** Deputy



**IN RE: ETHICON, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

SCHEDULE FOR CRO

TRANSFeree			TRANSFEROR			<u>CASE CAPTION</u>
<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	
WVS	2	14-17975	TXN	3	13-04775	Garcia v. Marie-Blanche Nana Tchetgen et al

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL 2327

THIS DOCUMENT RELATES TO THE CASE
IDENTIFIED ON EXHIBIT A

**ORDER AND SUGGESTION OF REMAND
FOR CASE ON EXHIBIT A**

Pursuant to 28 U.S.C. § 1407 and the Rules for Multidistrict Litigation promulgated thereunder, specifically Rule 10.1(b), the court suggests that the action on Exhibit A be remanded to the United States District Court from which it came, the United States District Court for the Northern District of Texas.

The individual case on Exhibit A was transferred by the Judicial Panel on Multidistrict Litigation to the Southern District of West Virginia and is related to MDL 2327, 2:12-md-2327, one of several MDLs assigned to me by the Panel. No MDL defendants remain in this case and, as a result, remand of the case is now appropriate.

On or before **June 18, 2019**, the parties are **ORDERED** to confer and to file *in the individual case on Exhibit A*, all documents from the main MDL that the parties jointly deem

relevant to constitute an appropriate record for the receiving court to consider.¹

The court **ORDERS** that upon receipt and filing of an order to remand from the Clerk of the Judicial Panel on Multidistrict Litigation (hereinafter the “Transfer Date”), the Clerk of this court, pursuant to 28 U.S.C. § 1407, shall remand the case on Exhibit A to the United States District Court for the Northern District of Texas. If the case on Exhibit A remains pending on the Transfer Date, it must be remanded, and the parties shall bear the consequences in the receiving court of any failure to prepare an appropriate record as directed in this order. The parties and the receiving court are hereby advised that all Pretrial Orders entered in this matter are available for review on the court’s website at www.wvsd.uscourts.gov/MDL/2327/orders.html and the master docket sheet can be found on CM/ECF at 2:12-md-2327.

Any joint motion to dismiss may be ruled upon and any proper stipulation of dismissal may close a case prior to remand. On the Transfer Date, the Clerk is hereby **DIRECTED** to use the appropriate function in CM/ECF to extract the member case listed on Exhibit A if it remains pending and remand it to the United States District Court for the Northern District of Texas. After remand of the case on Exhibit A, the Clerk is **DIRECTED** to formally close the case and strike it from the docket of this court.

¹ When filing the documents from the main MDL, the parties are directed to use the CM/ECF event entitled “Designation of Record for MDL Transfers” (available under Civil > Other Filings > Other Documents). When completing the event, the “Main Document” should be the list of joint designations from the main MDL, and the “Attachments” should be each individual document on the joint designation list with the “Description” being the ECF number and a brief description of the document (i.e. ECF 96 – Defendant’s Motion for Summary Judgment).

The court further **DIRECTS** that a copy of this Order and Suggestion of Remand and Exhibit A be filed in the case on Exhibit A and sent to the Clerk of the MDL Panel and counsel of record or any unrepresented party for the case listed on Exhibit A.

ENTER: June 11, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

Exhibit A

<u>Case Name</u>	<u>Case Number</u>	<u>Remand Jurisdiction</u>
Garcia v. Marie-Blanche, et al.	2:14-cv-17975	Northern District of Texas

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United States

United States Judicial Panel on Multidistrict Litigation

Notice of Electronic Filing

The following transaction was entered on 6/21/2019 at 9:53 AM EDT and filed on 6/21/2019

Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 6/21/19. Please see pleading ([3622] in MDL No. 2327, 6 in TXN/3:13-cv-04775).

A copy of the transferee court's Suggestion of Remand from the transferee court is attached to the Conditional Remand Order.

As stipulated in Rule 10.2(b) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, transmittal of the order has been stayed 7 days to give any party an opportunity to oppose the remand. The 7-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The order was entered pursuant to 28 U.S.C. 1407(a) which provides that each action so transferred by the Panel shall be remanded by the Panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred. Parties are to furnish S.D. West Virginia with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleading or other matter filed to comply with the remand order.

Signed by Clerk of the Panel John W. Nichols on 6/21/2019.

Associated Cases: MDL No. 2327, TXN/3:13-cv-04775 (SM)

Case Name: Garcia v. Marie-Blanche Nana Tchetgen et al

Case Number: [TXN/3:13-cv-04775](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 6/21/19. Please see pleading ([3622] in MDL No. 2327, 6 in TXN/3:13-cv-04775).

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Signed by Clerk of the Panel John W. Nichols on 6/21/2019.

Associated Cases: MDL No. 2327, TXN/3:13-cv-04775 (SM)

No public notice (electronic or otherwise) sent because the entry is private

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United States

United States Judicial Panel on Multidistrict Litigation

Notice of Electronic Filing

The following transaction was entered on 6/21/2019 at 9:50 AM EDT and filed on 6/21/2019

Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

Filer:

Document Number: [3622](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. ([3620] in MDL No. 2327, 4 in TXN/3:13-cv-04775)) - 1 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel John W. Nichols on 6/21/2019.

Associated Cases: MDL No. 2327, TXN/3:13-cv-04775 (SM)

Case Name: Garcia v. Marie-Blanche Nana Tchetsgen et al

Case Number: [TXN/3:13-cv-04775](#)

Filer:

Document Number: [6](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. ([3620] in MDL No. 2327, 4 in TXN/3:13-cv-04775)) - 1 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel John W. Nichols on 6/21/2019.

Associated Cases: MDL No. 2327, TXN/3:13-cv-04775 (SM)

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TXN/3:13-cv-04775 Notice has been electronically mailed to:

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The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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